

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

MARY TULLIE CRITCHER *et al.*

Plaintiffs,

v.

L'OREAL USA, INC.,

Defendant

Case No. 1:18-cv-05639-JGK

**DEFENDANT'S NOTICE OF MOTION AND
MOTION TO DISMISS SECOND AMENDED COMPLAINT**

PLEASE TAKE NOTICE that defendant L'Oreal USA, Inc., hereby moves to dismiss the second amended complaint of all plaintiffs in this matter (1) pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure on grounds that the complaint fails to plead a claim upon which relief can be granted, and (2) pursuant to Rule 12(b)(1) for lack of subject matter jurisdiction.

PLEASE TAKE FURTHER NOTICE that no date is currently set for the hearing of the motion.

Dated: December 10, 2018

GORDON & REES, SCULLY, MANSUKHANI, LLP

By: s/ Justin D. Lewis

Miles D. Scully (admitted *pro hac vice*)

Peter G. Siachos

Justin D. Lewis (admitted *pro hac vice*)

JoAnna M. Doherty

1 Battery Park Plaza, 28th floor

New York, New York 10004

T: (212) 269-5500

E: jlewis@grsm.com